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10/580,387

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Johan Gulliksson

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT

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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/580,387 | Applicant(s) GULLIKSSON ET AL. | |
| | Examiner YOGESH K. AGGARWAL | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/22/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-12, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al. (US Patent # 5,043,816).

[Claim 1]

Nakano teaches a camera (figure 4) comprising activation means (full depressing of shutter button 15) for initiating taking and storage of a picture in a storage means (combination of recording medium 28 i.e. a non-volatile memory and semiconductor memory 22 i.e. a temporary memory) upon activation of the activation means (col. 7 lines 16-36); where the camera further comprises display means (monitor 34) for displaying pictures stored in the storage means (col. 8 lines 45-65), characterized in that, wherein the camera is arranged configured to take and store a first plurality of pictures in the storage means (only semiconductor memory 22) substantially continuously, independently of activation of the activation means (col. 6 line 34-col. 7 line 15, figure 4, the shutter button is only touched softly and therefore not fully depressed), and the camera is arranged configured to, upon activation of the activation means, furthermore to take and store a second plurality of pictures in the storage means (col. 7 lines 16-47).

[Claim 2]

Nakano teaches wherein said storage means is divided up into a first storage means (28) and a second storage means (22), wherein said the picture taken upon activation of the activation

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means is stored in the first storage means (col. 7 lines 16-47) and wherein said first and said second plurality of pictures are stored in the second storage means (col. 6 line 34-col. 7 line 47).

[Claim 4]

Nakano teaches wherein the first storage means is a non-volatile storage means (Abstract).

[Claim 5]

Nakano teaches wherein the second storage means is a temporary storage means (Abstract).

[Claim 6]

Nakano teaches wherein the temporary storage means is a buffer storage (temporary storage is a buffer storage).

[Claim 7]

Nakano teaches means for a user to select one or a subset of pictures from the second storage means to be stored in the first storage means (col. 8 lines 19-44).

[Claim 8]

Nakano teaches initiating displaying of pictures stored in the second storage means on the display means (col. 6 line 34-col. 7 line 15)

[Claim 9]

Nakano teaches wherein the camera further comprises for a user to select a picture displayed on said the display means and means for storing the selected picture in the first storage means (col. 8 lines 19-44).

[Claim 10]

Nakano teaches means for a user to set the number of pictures to be stored in the second storage means per time unit (col. 6 lines 52-56).

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[Claim 11]

Nakano teaches a user to set the total number of pictures in the second plurality of pictures (col. 7 lines 16-47).

[Claim 12]

Nakano teaches means for automatically adjusting the total number of pictures in the second plurality of pictures in dependency of depending on one or more of the following shutter or hardware limits (col. 7 lines 16-47, when shutter is open for 1 second).

[Claim 14]

Nakano teaches wherein the number of pictures in the second plurality of pictures preferably lies is between 1 and 500, more preferably between 2 and 250, and most preferably between 2 and 50 (col. 7 lines 16-47, ten pictures).

[Claim 20]

A method of taking pictures with a camera (figure 4) which method comprises: with activation means (depressing of shutter button 15) for initiating taking and storage of a picture in a storage means (combination of recording medium 28 i.e. a non-volatile memory and semiconductor memory 22 i.e. a temporary memory) upon activation of the activation means (col. 7 lines 16-36), wherein the camera further comprises display means for displaying pictures stored in the storage means (col. 8 lines 45-65), the method comprising: taking and storing, substantially continuously, a first plurality of pictures independently of activation of the activation means, (col. 6 line 34-col. 7 line 15, figure 4, the shutter button is only touched softly and therefore not fully depressed) taking and storing a picture in a storage means upon activation of activation means, taking and storing a second plurality of pictures in response to the activation of the

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activation means (col. 7 lines 16-47); displaying the picture taken upon activation of said the activation means and stored in said the storage means on the display means; on user demand, displaying pictures from the first plurality and/or the second plurality of pictures on the display means based on user input; accepting a user selection providing the user with the possibility to choose a picture in the first or in the second plurality of pictures to be stored in the storage means; and if the user chooses a picture from the first or the second plurality of pictures to be stored in the storage means, storing the chosen picture in the storage means (col. 8 lines 19-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 15 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (US Patent # 5,043,816).

[Claim 13]

Nakano fails to teach wherein a user sets the resolution of pictures to be stored in the first and/or second plurality of pictures. However Official Notice is taken of the fact that it is very well known to have set the resolution of pictures to be stored in the first and/or second plurality of pictures in order to reduce or increase the quality or resolution of the pictures to be stored in the memory device depending upon the amount of space left in the device so that the user does not miss a photographing chance if the memory card is full. Therefore taking the combined teachings of Nakano and Official notice, it would be obvious to one skilled in the art at the time of the

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invention to have been motivated to have set the resolution of pictures to be stored in the first and/or second plurality of pictures in order to reduce or increase the quality or resolution of the pictures to be stored in the memory device depending upon the amount of space left in the device so that the user does not miss a photographing chance if the memory card is full.

[Claim 15]

Nakano fails to teach a flash of the camera is activated synchronously with the taking of pictures. However Official notice is taken of the fact that it is very well known to have a camera that is activated synchronously with the taking of the pictures in order to have a proper exposure in case there is not enough light for the picture taking thereby getting a good exposure picture. Therefore taking the combined teachings of Nakano and Official notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a camera that is activated synchronously with the taking of the pictures in order to have a proper exposure in case there is not enough light for the picture taking thereby getting a good exposure picture.

[Claim 16]

Nakano fails to teach wherein real time information is stored with each picture in the second storage means. However Official notice is taken of the fact that it is very well known to have real time information like time at which the picture was taken to be taken to be stored is stored with each picture in the second storage means in order for the user to know the time at which the image was taken. Therefore taking the combined teachings of Nakano and Official notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have real time information like time at which the picture was taken to be taken to be stored is

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stored with each picture in the second storage means in order for the user to know the time at which the image was taken.

[Claims 17 and 18]

Nakano fails to teach the camera is integrated in a mobile communications device and establishing connection to a mobile communication device. However Official notice is taken of the fact that it is very well known to have a camera that is integrated in a mobile communications device in order for the camera to take the pictures and transmit them to an external device including an external device for storage in case the storage of the camera is full so that the photographer does not lose a photographing chance. Therefore taking the combined teachings of Nakano and Official notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a camera that is integrated in a mobile communications device in order for the camera to take the pictures and transmit them to an external device including a communication device for storage in case the storage of the camera is full so that the photographer does not lose a photographing chance.

[Claim 19]

Nakano teaches a camera (figure 4) comprising activation means (depressing of shutter button 15) for initiating taking and storage of a picture in a storage means (combination of recording medium 28 i.e. a non-volatile memory and semiconductor memory 22 i.e. a temporary memory) upon activation of the activation means (col. 7 lines 16-36); where the camera further comprises display means (monitor 34) for displaying pictures stored in the storage means (col. 8 lines 45-65), characterized in that, wherein the camera is arranged configured to take and store a first plurality of pictures in the storage means (only semiconductor memory 22) substantially

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continuously, independently of activation of the activation means (col. 6 line 34-col. 7 line 15, figure 4, the shutter button is only touched softly and therefore not fully depressed), and the camera is arranged configured to, upon activation of the activation means, furthermore to take and store a second plurality of pictures in the storage means (col. 7 lines 16-47). Nakano fails to teach the camera is integrated in a mobile communications device. However Official notice is taken of the fact that it is very well known to have a camera that is integrated in a mobile communications device in order for the camera to take the pictures and transmit them to an external device including an external device for storage in case the storage of the camera is full so that the photographer does not lose a photographing chance. Therefore taking the combined teachings of Nakano and Official notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a camera that is integrated in a mobile communications device in order for the camera to take the pictures and transmit them to an external device for storage in case the storage of the camera is full so that the photographer does not lose a photographing chance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622